

111TH CONGRESS  
1ST SESSION

# H. R. 4386

To amend title 10, United States Code, to require emergency contraception to be available at all military health care treatment facilities.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 16, 2009

Mr. MICHAUD (for himself, Ms. TSONGAS, Ms. HARMAN, Mr. RYAN of Ohio, and Mrs. DAVIS of California) introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To amend title 10, United States Code, to require emergency contraception to be available at all military health care treatment facilities.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Compassionate Care  
5 for Servicewomen Act”.

1 **SEC. 2. REQUIREMENT TO MAKE AVAILABLE EMERGENCY**  
2 **CONTRACEPTION AT ALL MILITARY HEALTH**  
3 **CARE TREATMENT FACILITIES.**

4 Section 1074g(a) of title 10, United States Code, is  
5 amended by adding at the end the following new para-  
6 graph:

7 “(9)(A) Emergency contraception in drug form shall  
8 be included on the basic core formulary of the uniform  
9 formulary, notwithstanding any provision of law or regula-  
10 tion requiring that only drugs ordered or prescribed by  
11 a physician (or other authorized provider) may be included  
12 in the uniform formulary. Emergency contraception in  
13 other-than-drug form may also be included on the basic  
14 core formulary, notwithstanding any such provision.

15 “(B) Nothing in subparagraph (A) may be construed  
16 to require emergency contraception to be covered under  
17 the pharmacy benefits program.

18 “(C) Notwithstanding paragraph (4), prior author-  
19 ization shall not be required for emergency contraception.  
20 Nothing in the preceding sentence may be construed as  
21 waiving any provision of the Federal Food, Drug, and Cos-  
22 metic Act (21 U.S.C. 301 et seq.) or any other provision  
23 of law administered by the Food and Drug Administra-  
24 tion, including rules and orders of such Administration in  
25 effect at any time under such Act or other provisions of  
26 law.

1       “(D) In this paragraph, the term ‘emergency contra-  
2 ception’ means a drug, drug regimen, or device that is—

3               “(i) approved by the Food and Drug Adminis-  
4 tration to prevent pregnancy; and

5               “(ii) used postcoitally.”.

